



# Southeast Fishery Bulletin

National Marine Fisheries Service, Southeast Regional Office, 263 13<sup>th</sup> Avenue South, St. Petersburg, Florida 33701

## FOR INFORMATION CONTACT:

Phil Steele, or Phil.Steele@noaa.gov  
727/824-5305, FAX 727/824-5308  
<http://sero.nmfs.noaa.gov>

August 31, 2006

FB06-038

## PUBLIC COMMENT PERIOD OPEN ON THE PROPOSED RULE FOR AMENDMENT 26 TO ESTABLISH A RED SNAPPER INDIVIDUAL FISHING QUOTA (IFQ) PROGRAM

The Gulf of Mexico Fishery Management Council has submitted Amendment 26 to the Fishery Management Plan (FMP) for the Reef Fish Fishery of the Gulf of Mexico (Amendment 26) for review by NOAA Fisheries Service. NOAA Fisheries Service announced the availability of Amendment 26 for public comment on August 2, 2006 (71 FR 43706).

NOAA Fisheries Service is seeking public comment on the proposed rule for Amendment 26 published in the *Federal Register* (71 FR 50012, August 24, 2006). The proposed rule, if approved, would establish an IFQ program for the Gulf of Mexico commercial red snapper fishery. The intended effect of Amendment 26 is to reduce overcapacity in the commercial red snapper fishery and to eliminate, to the extent possible, the problems associated with derby fishing, in order to assist the Council in achieving optimum yield from the fishery.

The main action in this rule is to establish an IFQ program. The following actions determine the structure of the program.

### IFQ Program Duration:

There is no limit to the duration of the IFQ program. However, a program evaluation would occur every 5 years.

### Ownership\* Caps and Restrictions on IFQ Share Certificates:

For any single fishing year, no person shall own IFQ shares that represent a percentage of the total, which exceeds the maximum percentage, issued to a recipient at the time of the initial apportionment of IFQ shares.

\*Ownership is defined as the person who actually controls transfer of the Class 1 or Class 2 red snapper license, and such person would be listed as the "qualifier" on the face of the leased/placed permit.

### Eligibility for Initial IFQ Allocation:

Initial eligibility would be restricted to persons who own a Class 1 or Class 2 red snapper license. Permanent resident aliens who currently own a Class 1 or Class 2 license would be included in the initial allocation subject to any other qualifications included in this IFQ program.

### Initial Apportionment of IFQ Shares:

Initial IFQ shares would be allocated proportionately among eligible participants based on the average annual landings associated with their current red snapper license(s). These data are available for the years 1990-2004 for some Class 1 license holders, 1998-2004 for Class 1 historical captains, and 1998-2004 for Class 2 license holders (see Action 5 in Amendment 26 for details).

### Establishment and Structure of an Appeals Process:

The Regional Administrator would review, evaluate, and render final decision on appeals. Filing of an appeal

must be completed within 90 days of the effective date of the final regulations implementing the IFQ program. Hardship arguments would not be considered. Landings data from 1990 through 1992 are not subject to appeal. Landings records appeals for 1993-2004 would be based on NOAA Fisheries Service's logbooks. If NOAA Fisheries Service's logbooks are not available, state landings records or data submitted on or before June 30, 2005, can be used.

A total of 3 percent of the IFQ shares would be initially set-aside to be used to resolve disputes regarding eligibility until the appeals process is finalized.

### Transfer Eligibility Requirements:

IFQ shares/allocations can be transferred only to individuals/vessels with a valid commercial reef fish permit during the first 5 years of the IFQ program, and U.S. citizens and permanent resident aliens thereafter. Eligible individuals must be U.S. citizens or permanent resident aliens.

### Use it or Lose it: IFQ Shares or Allocations:

There are no minimum landing requirements (i.e., use it or lose it provision) for retaining IFQ shares.

### Adjustments in Commercial Quota:

Adjustments in the commercial quota would be allocated proportionately among recognized IFQ shareholders (e.g., those on record at the time of the adjustment) based on the percentage of the commercial quota each holds at the time of the adjustment.

Initial shares for 2007 will be based on 51 percent of 5 million pounds (mp), which is 2.55 mp of the initial quota, or 51 percent of whatever total allowable catch (TAC) has been selected as the Preferred Alternative by the Council and submitted to the Secretary of Commerce. Any quota share balance resulting from a decision to specify a larger TAC would be distributed after the date of publication of the final rule setting the new TAC, but no later than July 1, 2007.

### Cost Recovery Plan:

All IFQ cost recovery fees shall be the responsibility of the recognized IFQ shareholder. The fee collection and submission would reside with the recognized IFQ dealer/processor. The fees would be calculated at the time of sale of fish to the registered IFQ dealer/processor after which the recognized IFQ dealer/processor would be responsible for submitting such fees to NOAA Fisheries Service. The collected fees would be submitted quarterly by the IFQ dealer/processor to NOAA Fisheries Service. For all IFQ pounds landed and sold, the cost recovery fee (3 percent) would be based on the actual ex-vessel value of the red snapper landings.

### ADDRESSES AND DATES:

For a complete description of the proposed regulatory

changes, please obtain a copy of the proposed rule from NOAA Fisheries Service at the above address. Electronic copies of the proposed rule may be obtained from the *Federal Register* web site at <http://www.gpoaccess.gov/fr/index.html>.

Written comments for the proposed rule must be received no later than 5 p.m., Eastern time, on September 28, 2006. Comments may be submitted using any of the following methods:

**Email:** 0648-AS67.Proposed@noaa.gov; Include the following in the subject line: 0648-AS67.Proposed.

**Mail:** Phil Steele, National Marine Fisheries Service, Southeast Regional Office, 263 13<sup>th</sup> Avenue South, St. Petersburg, Florida 33701

**Fax:** Comments may be faxed to 727-824-5308.

Comments received by September 28, 2006, whether specifically directed to the amendment or the proposed rule, will be considered by NOAA Fisheries Service in its decision to approve, disapprove, or partially approve the rule. Comments received after that date will not be considered by NOAA Fisheries Service in this decision. All comments received by NOAA Fisheries Service on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

NOAA Fisheries Service is dedicated to protecting and preserving our nation’s living marine resources and their habitats through scientific research, management, and enforcement. NOAA Fisheries Service provides effective stewardship of these resources for the benefit of the nation, supporting coastal communities that depend upon them, and helping to provide safe and healthy seafood to consumers and recreational opportunities for the American public.

In 2007 NOAA, an agency of the U.S. Commerce Department, celebrates 200 years of science and service to the nation. Starting with the establishment of the U.S. Coast and Geodetic Survey in 1807 by Thomas Jefferson much of America's scientific heritage is rooted in NOAA. The agency is dedicated to enhancing economic security and national safety through the prediction and research of weather and climate-related events and information service delivery for transportation, and by providing environmental stewardship of our nation's coastal and marine resources. Through the emerging Global Earth Observation System of Systems, NOAA is working with its federal partners, more than 60 countries and the European Commission to develop a global monitoring network that is as integrated as the planet it observes, predicts and protects.

FIRST CLASS MAIL  
POSTAGE AND FEES PAID  
U.S. DEPARTMENT OF COMMERCE  
PERMIT NO. G-19

National Marine Fisheries Service  
Southeast Regional Office, F/SER24  
263 13th Avenue South  
St. Petersburg, Florida 33701  
Official Business  
Penalty for Private Use - \$ 300  
FB06-038